



ATTORNEY DOCKET NO. AND01 006CONT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Stanley J. Gutowski

Serial No.: 10/735,772

Art Unit: 2667

Filed: December 16, 2003

Examiner: Alexander Boakte

Title: A METHOD OF QUANTIFYING THE QUALITY OF SERVICE IN A CDMA
CELLULAR TELEPHONE SYSTEM

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

Pursuant to 37 CFR § 1.321(c), Applicant hereby states that it is the owner of all right, title and interest in and to the subject application, and is the owner of all right, title and interest in and to Patent Number 6,693,884 (hereinafter "prior patent"), and

Applicant agrees that any patent issuing on the subject application shall be enforceable only for and during such period that the legal title to the subject application and any patent issuing thereon shall be the same as the legal title to said prior patent and Applicant hereby dedicates to the public that term of any patent issuing on the subject application subsequent to the expiration date of said prior patent.

In making the above disclaimer, Applicant does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of said prior

patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The fee set forth in 37 CFR § 1.20(d) accompanies this Terminal Disclaimer.

The signature of Assignee's representing attorney in accordance with 37 CFR §1.321(b)(1)(iv) is affixed below.

Respectfully submitted,



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